

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

SCOTT CARMELL-PETITIONER

v.

LORIE DAVIS, DIRECTOR - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

PETITIONER CARMELL'S FIRST
MOTION FOR EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI

SCOTT CARMELL
#777548 - COFFIELD UNIT
2661 FM 2054
TENNESSEE COLONY, TEXAS 75884-5000

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

SCOTT CARMELL - PETITIONER
VS.
LORIE DAVIS, DIRECTOR - RESPONDENT

PETITIONER CARMELL'S FIRST
MOTION FOR EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI

TO THE HONORABLE JUSTICES:

Petitioner Carmell requests this Court to grant this Motion for Extension of Time to File a Petition for a Writ of Certiorari. The present deadline for filing is April 2, 2020. He is proceeding pro se and is requesting a 30-day extension, up to and including May 2, 2020, for the following reasons.

I.
JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

II.
HISTORY

On November 25, 2019, the United States Court of Appeals for the Fifth Circuit denied Carmell's application for a Certificate of Appealability (COA). A reconsideration motion was denied on January 3, 2020. The present deadline for filing a petition for a writ of certiorari is April 2, 2020. (USCA No. 19-40461.)

III.
INCARCERATION

Petitioner Carmell is currently incarcerated in the Texas Department of Criminal Justice, Coffield Unit, and does not have the benefit of legal counsel nor the research tools and skills of a professional attorney.

IV. PRISON LAW LIBRARY

The Coffield law library is very inadequate and limited in regard to research materials and access to them. The case books/reporter volumes on the library shelves are limited to the following:

- Federal Reporter 2d, 710-999
- Federal Supplement, 694-999
- Southwestern Reporter 2d, 757-999
- Supreme Court Reporter, 97A-128
- Federal Reporter 3d, 1-538
- Federal Supplement 2d, 1-565
- Southwestern Reporter 3d, 1-253

The library does not have the 1) Supreme Court Digest, 2) Supreme Court Words and Phrases, 3) Supreme Court Table of Cases, 4) Federal Appendix, or 5) Shepard's volumes. This makes it very difficult and slow to do research.

To receive a case not available on the book shelf an Intra-Loan request is submitted. If it is within the parameters of the Intra-Loans, it will be available generally between one to three days following the request, longer when the computer is not working.

If a case is Shepardized, it too will take one to three days to receive the print-out of case citations. From this list newer cases will take another one to three days to be received once they are ordered. Additionally, a maximum of three requests per day is allowed, whether Intra-Loan, Shepards, or a combination thereof.

To put it succinctly, it is questionable if this library complies with this Court's holding regarding prison law libraries in Lewis v. Casey, 116 S.Ct. 2174, 2182 (1996).

V. WRITING

In addition to the matters above, not only is Carmell without the assistance of an attorney, he does not have access to a typewriter, computer, or copy service. He must laboriously handwrite his petition and copies.

VI. FIRST REQUEST

This is petitioner Carmell's first request for a time extension to file a petition for a writ of certiorari. It is not designed to harass the Respondent nor to unnecessarily delay these proceedings. It is not anticipated that the Respondent will object. No further extensions are anticipated.

VII.
DOCUMENTS

A significant circumstance is impeding Carmell from preparing and finalizing his certiorari petition. Carmell does not have the documents that he needs and are required for the petition's appendices. He is relying on the assistance of a "free-world" friend who is purchasing the documents and sending them to Carmell. Trying to get this coordinated is very slow via the U.S. mail.

RELIEF REQUESTED

For the foregoing reasons and good cause, Petitioner Carmell respectfully requests that this Motion for Extension of Time be granted up to and including May 2, 2020.

Respectfully Submitted,
Scott Carmell
Scott Carmell

DECLARATION

I declare under penalty of perjury that the foregoing is true and correct and that this motion was placed in the prison mail system on February 20, 2020.

Executed on February 20, 2020.

Scott Carmell
Scott Carmell

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing Motion for Extension of Time was served by placing it in the prison mailing system for outside mailing in the United States mail, first-class postage prepaid, on the 20th day of February, 2020, addressed to: Attorney General of Texas, P.O. Box 12548, Capitol Station, Austin, Texas 78711.

Scott Carmell
Scott Carmell

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

SCOTT CARMELL - PETITIONER

v.

LORIE DAVIS, DIRECTOR - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

MOTION FOR LEAVE TO FILE
PETITIONER CARMELL'S FIRST
MOTION FOR EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI

SCOTT CARMELL
#777548 - Coffield UNIT
2661 FM 2054
TENNESSEE COLONY, TEXAS 75884-5000

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

SCOTT CARMELL - PETITIONER
v.
LORIE DAVIS, DIRECTOR - RESPONDENT

MOTION FOR LEAVE TO FILE
PETITIONER CARMELL'S FIRST
MOTION FOR EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI

Petitioner Carmell asks leave to file the attached First Motion for Extension of Time to File a Petition for a Writ of Certiorari for the reasons stated therein. Carmell has not previously requested a time extension.

Carmell is proceeding pro se and is incarcerated in the Texas Department of Criminal Justice. Significant circumstances are impeding the research, development and completion of a petition for a writ of certiorari.

Jurisdiction is invoked under 28 U.S.C. § 1254(1).

Petitioner Carmell requests that this motion be granted.

Respectfully submitted,

Scott Carmell

Scott Carmell

#777548 - Coffield

2661 FM 2054

Tennessee Colony, Tx 75884-5000

DECLARATION

I declare under penalty of perjury that the foregoing is true and correct and that this motion was placed in the prison mail system on February 20, 2020.

Executed on February 20, 2020.

Scott Carmell

Scott Carmell

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above Motion for Leave was served by placing it in the prison mailing system for outside mailing in the United States mail, first-class postage prepaid, on the 20th day of February, 2020, addressed to: Attorney General of Texas, P.O. Box 12548, Capitol Station, Austin, Texas 78711.

Scott Carmell

Scott Carmell